

Abstract

Testamentary succession in the Czech and German legal systems

This thesis compares the testamentary succession in the Czech and German legal system. Testamentary inheritance sequence forms a significant part of the inheritance law in both countries and testament represents the most important heritage title. Czech Civil Code deals with regulation of inheritance law sections significantly less than the German Civil Code.

While studying both legal systems I discovered many differences, especially in the organization of the possible contents of the testament. In Germany, as opposed to the Czech Republic, the testator in the testament can validly give such condition, order or the reference. Forms of regulation of testament are also different, German peculiarity is so called common testament of spouses.

In general, the German legislature honors principle of autonomy of the will of the testator, his test freedom, much more than the Czech. Prepared codification of the new Czech Civil Code is inspired by our German neighbors and is returning to traditional institutes of inheritance rights, autonomy of the testator significantly is strengthened. As a result, the extent of the new legal regulation of succession is substantially larger than in the current Civil Code.